

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5474 (Application 13290)

Dawn R. Cooper & Successor's Trust

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring

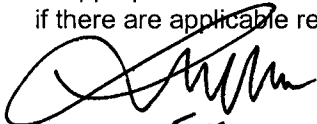
COUNTY: Mono

WHEREAS:

1. A request dated January 21, 2004, has been received from on behalf of the Licensee that the license be revoked by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 and 1675.2.
3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

THEREFORE:

It is ordered that License 5474 is hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.



For:

*James W. Kassel, Chief
Hearings and Special Projects Section*

Dated: **JUN 20 2005**

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 13290 Permit 8217 License 5474

ORDER AMENDING LICENSE

WHEREAS:

1. License 5474 was issued to Daniel Simpson, Edith Ross Simpson, Donald E. Starr, and Rachel I. Starr and recorded at the office of the Mono County Recorder on March 25, 1959.
2. License 5474 confers upon Daniel Simpson, et al., an appropriative right to use water from an Unnamed Spring tributary to Leavitt Creek in Mono County.
3. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
4. The License was issued without referencing compliance with Section 5937.
5. Since amendment of License 5474 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: - **JUNE 13 1997**


Walt Pettit
Executive Director



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13290

PERMIT 8217

LICENSE 5474

THIS IS TO CERTIFY, That

M. Daniel Simpson, Edith Ross Simpson, Donald E. Starr and
c/o Rachel I. Starr
P.O. Box 337
Babbitt, Nevada

Notice of Assignment (Over)

have made proof as of July 14, 1958

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of

an unnamed spring in Mono County

tributary to Leavitt Creek

for the purpose of domestic use

under Permit 8217 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from August 10, 1949 and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed eight hundred fifty (850) gallons per day to be diverted from about May 15 to about November 1 of each year.

The point of diversion of such water is located:

South two thousand four hundred (2400) feet and west one hundred twenty (120) feet from NE corner of Section 33, T6N, R22E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 33.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, T6N, R22E, MDB&M.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

MAR 24 '59

Dated:

L. K. Hill
L. K. Hill
Executive Officer

1-19-62- Name chgs. from Rachel Starr
to Rachel Bholke

7/22/68 RECEIVED NOTICE OF ASSIGNMENT *of Int. of M. Daniel Simpson*
to Edith Ross Simpson